

## **FILING INITIAL PROCEEDINGS- FAQs**

**QUESTION:** When I file my Complaint/Notice of Removal I am asked for a case number. What is my case number when filing new actions electronically?

**ANSWER:** All new civil actions are filed in a temporary shell case. The case number is 00-99999. Once the case has been assigned a civil action number and judges, all of the documents will be transferred from the shell case to the civil case assigned by the Clerk's Office. At this point you will receive a Notice of Electronic Filing (NEF) in the **CV case** for each document that was filed in the shell case.

**QUESTION:** I am going to be filing a Complaint/Notice of Removal. Do I need to file a Civil Cover Sheet, and if so is a form available on-line?

**ANSWER:** Yes, you do need to submit a Civil Cover Sheet JS44 Form. The form is available on our website at [www.nynd.uscourts.gov/forms](http://www.nynd.uscourts.gov/forms). This is a "fillable" form, so you can fill it out on-screen and publish or print it to PDF for inclusion with your new Complaint/Notice of Removal.

**QUESTION:** I filed my action and did not pay my filing fee. How should I pay my fee?

**ANSWER:** The fee should be paid using the event "Payment of Civil Filing Fee" in the shell case 00-99999 in the CM/ECF system. During the docketing process you will automatically be redirected to Pay.gov where payment can be made with either a check or credit card.

**QUESTION:** If I have multiple defendants, can I list all of the defendants on one summons?

**ANSWER:** A separate proposed summons should be filed for each defendant. A fillable summons form is available on the Court's website at: <http://www.nynd.uscourts.gov/forms.htm>

**QUESTION:** My attachments are large. How many megabytes can I submit in one filing?

**ANSWER:** The current limit, as of November 18, 2009, is **10 Megabytes**. To find out the most current capabilities of the CM/ECF system log in and click on the CM/ECF icon at the left hand side of the blue bar. A blue pop up box titled "Court Summary" will appear in the middle of the page. Click on "Further court information". The most up to date maximum PDF file size, and maximum merged document size will be listed under "Court Details."

**QUESTION:** Can I scan all of my attachments as one PDF image?

**ANSWER:** Please attach separate PDF images for each attachment. A separate PDF document should be used for the Complaint/Notice of Removal, each proposed summons, the civil cover sheet, and the 7.1 disclosure sheet (if applicable).

**QUESTION:** Can I include social security numbers, dates of birth, etc... in my pleadings?

**ANSWER:** Please refer to Local Rule 8.1 for the Court's procedure on personal identifiers:

**Local Rule 8.1 Personal Privacy Protection**

Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all pleadings that they file with the Court, including exhibits thereto, whether filed electronically or in paper form, unless the Court orders otherwise.

1. **Social security numbers.** If an individual's social security number must be included in a document, use only the last four digits of that number.
2. **Names of minor children.** If the involvement of a minor child must be mentioned, use only the initials of that child.
3. **Dates of birth.** If an individual's date of birth must be included in a document, use only the year.
4. **Financial account numbers.** If financial account numbers are relevant, use only the last four digits of those numbers.
5. **Home Addresses.** If a home address must be used, use only the City and State.

In addition, caution shall be exercised when filing documents that contain the following:

1. personal identifying number, such as a driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document under seal, or
2. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as of right.

Counsel is strongly urged to discuss this issue with all their clients so that they can make an informed decision about the inclusion of certain information. The responsibility for redacting these personal identifiers **rests solely with counsel and the parties**. The Clerk will not review each pleading for compliance with this Rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to the Court's full disciplinary power.

**Exception:** Transcripts of the administrative record in social security proceedings and statecourt records relating to a *habeas corpus* petitions are exempt from this requirement.

**QUESTION:** Do I add parties when filing a new action in the shell case?

**ANSWER:** No, the Clerk's Office will add the parties upon opening the actual CV case in CM/ECF. The filing attorney should add the short title of the case, i.e Smith v. Jones, et al and the County of origin from the Civil Cover Sheet in the text box to assist the Clerk's Office with initial case assignment.

**QUESTION:** When is my action deemed filed?

**ANSWER:** New cases are deemed filed the day the Clerk's Office receives the Complaint/Notice of Removal and the required filing fee or an application to proceed In Forma Pauperis.

**QUESTION:** How do I proceed if I am seeking admission to practice simultaneously to the filing of a new action?

**ANSWER:** For attorneys who are not admitted to practice in the NDNY, admission must be obtained prior to filing any new action. For permanent admission to practice, please refer to Local Rule 83.1(a). If you will be seeking pro hac vice admission, please refer to Local Rule 83.1(d). **Please note that motions for pro hac vice admission shall not be filed in the 00-at-99999 case, but rather filed once the permanent CV action is assigned and opened in CM/ECF by the Clerk's Office.**